

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

DAVID DANIELS

PLAINTIFF

v.

Civil No. 06-5205

SHERIFF KEITH FERGUSON;
CAPTAIN PETRAY; LT. CARTER;
SGT. FAULKENBURY; and SGT. NANCE

DEFENDANTS

ORDER

On January 3, 2007, the plaintiff filed a motion to amend or correct the complaint (Doc. 11). In the motion, plaintiff seeks to add Sgt. Tomlin as a defendant. The motion is granted.

The clerk is directed to add Sgt. Tomlin as a defendant.

The court, having heretofore entered an order allowing the plaintiff to proceed *in forma pauperis*, hereby directs the United States Marshal to serve Sgt. Tomlin. Sgt. Tomlin may be served at the Benton County Detention Center, 1300 S.W. 14th St., Bentonville, AR 72712.

Sgt. Tomlin is to be served without prepayment of fees and costs or security therefor. Sgt. Tomlin is ordered to answer within twenty (20) days from the date of service.

On January 3, 2007, the plaintiff filed a motion for release from lock-down (Doc. 12). He asks that the court immediately release him from lock-down, award him damages, and grant him further relief. The motion is denied. Plaintiff has not prevailed on the merits of his claims, there has been no hearing held in this matter, and no other determination has been made that would entitle plaintiff to temporary relief during the pendency of this lawsuit.

On January 3, 2007, the plaintiff also filed a motion for protection (Doc. 13). In this motion, plaintiff asks that he be moved out of the Benton County Detention Center and into the

Washington County Detention Center. The motion is denied. This court does not ordinarily interfere with where state, county, or local authorities decide to house their prisoners.

IT IS SO ORDERED this 17th day of January 2007.

/s/ *J. Marschewski*

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE